

TEACHER QUALITY AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill creates a program to pilot the development and implementation of performance-based compensation plans for elementary school teachers and modifies reporting requirements for certain student achievement tests.

Highlighted Provisions:

This bill:

- ▶ directs the State Board of Education to solicit and award grants on a competitive basis to school districts and charter schools to develop and implement performance-based compensation plans for elementary school teachers;
- ▶ requires the performance-based compensation plans to include certain performance criteria; and
- ▶ requires criterion-referenced test results to be reported by class.

Monies Appropriated in this Bill:

This bill appropriates as an ongoing appropriation subject to future constraints, \$_____ to the State Board of Education.

Other Special Clauses:

This bill takes effect on July 1, 2009.

Utah Code Sections Affected:

AMENDS:

53A-1-607, as last amended by Laws of Utah 2007, Chapter 244

53A-3-602.5, as last amended by Laws of Utah 2007, Chapters 112 and 244

63I-1-253, as last amended by Laws of Utah 2008, Chapter 250 and renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

53A-17a-163, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-1-607** is amended to read:

53A-1-607. Scoring -- Reports of results.

(1) Each local school board and charter school shall submit all answer sheets for the achievement tests administered under U-PASS on a per-school and per-class basis to the state superintendent of public instruction for scoring unless the test requires scoring by a national testing service.

(2) The district ~~[and]~~, school, and class results of the U-PASS testing program, but not the score or relative position of individual students, shall be reported to each local school board or charter school governing board annually at a regularly scheduled meeting.

(3) Each local board and charter school governing board shall make copies of the report available to the general public upon request.

(4) The board may charge a fee for the copying costs.

(5) The State Board of Education shall annually provide to school districts and charter schools a comprehensive report for each of their students showing the student's U-PASS test results for each year the student took a U-PASS test. School districts and charter schools shall give a copy of the comprehensive report to the student's parents and make the report available to school staff, as appropriate.

Section 2. Section **53A-3-602.5** is amended to read:

53A-3-602.5. School performance report -- Components -- Annual filing.

(1) The State Board of Education in collaboration with the state's school districts and charter schools shall develop a school performance report to inform the state's residents of the quality of schools and the educational achievement of students in the state's public education system.

(2) The report shall be written and include the following statistical data for each school in each school district and each charter school, as applicable, and shall also aggregate the data at the district and state level:

(a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:

(i) norm-referenced achievement tests;

(ii) criterion-referenced tests to include the scores aggregated for all students;

(A) by grade level or course for the previous two years and an indication of whether there was a sufficient magnitude of gain in the scores between the two years; and

64 (B) by class:

65 (iii) writing assessments required under Section 53A-1-603; and

66 (iv) tenth grade basic skills competency tests required under Section 53A-1-603;

67 (b) college entrance examinations data, including the number and percentage of each
68 graduating class taking the examinations for the previous four years;

69 (c) advanced placement and concurrent enrollment data, including:

70 (i) the number of students taking advanced placement and concurrent enrollment
71 courses;

72 (ii) the number and percent of students taking a specific advanced placement course
73 who take advanced placement tests to receive college credit for the course;

74 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
75 percent who pass the test; and

76 (iv) of those students taking a concurrent enrollment course, the number and percent of
77 those who receive college credit for the course;

78 (d) the number and percent of students in grade 3 reading at or above grade level;

79 (e) the number and percent of students who were absent from school ten days or more
80 during the school year;

81 (f) achievement gaps that reflect the differences in achievement of various student
82 groups as defined by State Board of Education rule;

83 (g) the number and percent of "student dropouts" within the district as defined by State
84 Board of Education rule;

85 (h) course-taking patterns and trends in secondary schools;

86 (i) student mobility;

87 (j) staff qualifications, to include years of professional service and the number and
88 percent of staff who have a degree or endorsement in their assigned teaching area and the
89 number and percent of staff who have a graduate degree;

90 (k) the number and percent of parents who participate in SEP, SEOP, and
91 parent-teacher conferences;

92 (l) average class size by grade level and subject;

93 (m) average daily attendance as defined by State Board of Education rule, including
94 every period in secondary schools; and

(n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch.

(3) The State Board of Education, in collaboration with the state's school districts and charter schools, shall provide for the collection and electronic reporting of the following data for each school in each school district and each charter school:

(a) test scores and trends over the previous four years on the tests referred to in Subsection (2)(a);

(b) the average grade given in each math, science, and English course in grades 9 through 12 for which criteria-referenced tests are required under Section 53A-1-603;

(c) incidents of student discipline as defined by State Board of Education rule, including suspensions, expulsions, and court referrals; and

(d) the number and percent of students receiving fee waivers and the total dollar amount of fees waived.

(4) (a) (i) The State Board of Education shall adopt common definitions and data collection procedures for local school boards and charter schools to use in collecting and forwarding the data required under Subsections (2) and (3) to the state superintendent of public instruction.

(ii) Average class size by grade and subject shall be calculated for the purposes of Subsection (2)(l) in accordance with the following:

(A) for kindergarten through grade six, average class size by grade shall be calculated by dividing grade membership on October 1 by the number of classes in the corresponding grade; and

(B) for grades seven through twelve, average class size shall be calculated for core language arts, mathematics, and science courses by dividing membership on October 1 in core language arts, mathematics, or science course classes by the number of classes for the corresponding course.

(b) The state board, through the state superintendent of public instruction, shall adopt standard reporting forms and provide a common template for collecting and reporting the data, which shall be used by all school districts and charter schools.

(c) The state superintendent shall use the automated decision support system referred to in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

(5) The state board, through the state superintendent of public instruction, shall issue its report annually by October 1 to include the required data from the previous school year or years as indicated in Subsections (2) and (3).

(6) (a) Each local school board and each charter school shall receive a written or an electronic copy of the report from the state superintendent of public instruction containing the data for that school district or charter school in a clear summary format and have it distributed, on a one per household basis, to the residence of students enrolled in the school district before November 30th of each year.

(b) Each local school board, each charter school, and the state board shall have a complete report of the statewide data available for copying or in an electronic format at their respective offices.

Section 3. Section **53A-17a-163** is enacted to read:

53A-17a-163. Performance-based Compensation Pilot Program.

(1) The Performance-based Compensation Pilot Program is created to pilot the development and implementation of performance-based compensation plans for elementary school teachers.

(2) From monies appropriated by the Legislature for the Performance-based Compensation Pilot Program, the State Board of Education shall award grants to school districts and charter schools to develop and implement performance-based compensation plans for elementary school teachers.

(3) The State Board of Education shall:

(a) solicit proposals from school districts and charter schools for the use of grant monies to develop and implement performance-based compensation plans for elementary school teachers; and

(b) award grants on a competitive basis.

(4) To receive a grant, a school district or charter school shall submit a proposal to the State Board of Education to develop and implement a performance-based compensation plan over a two-year period as follows:

(a) In the first year, the school district or charter school shall develop, administer, and evaluate performance measures.

(b) In the second year, the school district or charter school shall administer

157 performance measures and compensate educators based on performance.

158 (c) A performance-based compensation plan shall provide that:

159 (i) the learning gains of a teacher's students as measured by tests administered at the
160 beginning and the end of a school year using computerized adaptive testing shall account for
161 40% of the maximum amount of performance-based compensation that may be awarded to a
162 teacher;

163 (ii) the learning gains of a grade level team's students as measured by tests
164 administered at the beginning and the end of a school year using computerized adaptive testing
165 shall account for 10% of the maximum amount of performance-based compensation that may
166 be awarded to a teacher;

167 (iii) the learning gains of a teacher's students in the following school year as measured
168 by tests administered at the beginning and end of a school year using computerized adaptive
169 testing shall account for 10% of the maximum amount of performance-based compensation
170 that may be awarded to a teacher;

171 (iv) a teacher's instructional quality as measured by classroom observations or other
172 instruments shall account for 20% of the maximum amount of performance-based
173 compensation that may be awarded to a teacher;

174 (v) parent, student, or community satisfaction as measured by surveys shall account for
175 10% of the maximum amount of performance-based compensation that may be awarded to a
176 teacher; and

177 (vi) leadership or assuming a differentiated role, such as mentor or curriculum coach,
178 shall account for 10% of the maximum amount of performance-based compensation that may
179 be awarded to a teacher.

180 (d) A proposal shall include a budget and specify the amount of grant monies
181 requested.

182 (e) A school district's proposal may apply to one or more elementary schools within the
183 district.

184 Section 4. Section **63I-1-253** is amended to read:

185 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

186 The following provisions are repealed on the following dates:

187 (1) Section 53-3-232, Conditional licenses, is repealed July 1, 2015.

188 (2) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is
189 repealed July 1, 2010.

190 (3) Title 53A, Chapter 1a, Part 9, Voluntary Extended-day Kindergarten Program, is
191 repealed July 1, 2011.

192 (4) The State Instructional Materials Commission, created in Section 53A-14-101, is
193 repealed July 1, 2011.

194 (5) Section 53A-17a-163, Performance-based Compensation Pilot Program is repealed
195 July 1, 2011.

196 Section 5. **Appropriation.**

197 As an ongoing appropriation subject to future budget constraints, there is appropriated
198 \$_____ from the Uniform School Fund for fiscal year 2009-10 to the State Board of
199 Education for the Performance-based Compensation Pilot Program.

200 Section 6. **Effective date.**

201 This bill takes effect on July 1, 2009.